



Date 9/18/2015

Planning Building & Development

215 Church Ave., SW, Room 170

Roanoke, VA 24011

Phone: (540) 853-1090 Fax: 853-1594

www.roanokeva.gov

permitcenter@roanokeva.gov

RECEIVED

SEP 18 2015

CITY OF ROANOKE

PLANNING BUILDING & DEVELOPMENT

Application For An
Appeal
of A Building Code Decision

Print Form

A \$75 Appeal Fee Must Be Included With This Application

The owner of a building or structure, the owner's agent or any other person involved in the design or construction or use of a building or structure may appeal a decision of the code official concerning the application of the USBC to such building or structure and may also appeal a refusal by the code official to grant a modification to the provisions of the USBC pertaining to such building or structure. The applicant shall submit a written request for appeal to the Local Board of Building Code Appeals (LBBCA) within 30 calendar days of the receipt for the Virginia Construction Code, within 14 days of receipt for the Virginia Maintenance Code, and within 14 days of receipt for the Virginia Amusement Device Regulations, of the decision being appealed.

The application shall contain the name and address of the owner of the building or structure and in addition, the name and address of the person appealing, when the applicant is not the owner. A copy of the code official's decision shall be submitted along with the application for appeal and maintained as part of the record.

The application shall be marked by the LBBCA to indicate the date received. Failure to submit an application for appeal within the time limit established by this section shall constitute acceptance of a building official's decision.

Applicant Name	Darryl Thompson				
Relationship	<input type="radio"/> Owner <input checked="" type="radio"/> Owner's Agent				
Applicant Address	508 Huntington Blvd, NE	City	Roanoke	State	VA Zip Code 24012
Phone Number	(540) 915-0502	Fax Number		email	neonwerkz@yahoo.com

Owner Name	Michael Atkins				
Owner Address	508 Huntington Blvd, NE	City	Roanoke	State	VA Zip Code 24012
Phone Number	540 915 0502	Fax Number	N/A	email	N/A N/A

Date of Code Official's Decision	Aug 19, 2015	<input checked="" type="checkbox"/> Written Copy of Code Official's Decision Must Be Attached To This Appeal
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Description of
Appeal
(Attach additional
sheets if necessary)

Please see the attached narrative

Signature

Application Received By

Tmcarr

Date Received

9/18/15

☒

\$75 Appeal Fee Received

CITY OF ROANOKE: LOCAL BOARD OF BUILDING CODE APPEALS

In Re: August 19, 2015 Virginia Uniform Statewide Building Code Violation issued to Michael C. Atkins; Failure to Obtain Permit

Written Narrative:

Appellant, Darryl Thompson, by counsel, files this Written Narrative in support of his Appeal Application filed simultaneously herewith. Mr. Thompson resides at the property with Mr. Atkins and together with Mr. Atkins, owns the Eiffel Tower art piece. Mr. Thompson requests that the citation for failing to obtain a building permit be overturned because the regulation is not applicable to the Eiffel Tower artistic item. See Citation attached hereto as Exhibit A.

Section 108.1 of the Construction Code provides that a building permit shall be obtained prior to constructing a building or structure. The Eiffel Tower art piece is neither a building nor a structure under the Construction Code which would require obtaining a permit.

Under Section 202 of the Construction Code, a building is: "A combination of materials, whether portable or fixed, having a roof to form a structure for the use or occupancy by person, or property." A structure is: "An assembly of materials forming a construction for occupancy or use including stadiums, gospel and circus tents, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks (underground or aboveground), trestles, piers, wharves, swimming pools, amusement devices, storage bins, and other structures of this general nature but excluding water wells."

The Eiffel Tower art piece does not meet these definitions. It is a portable piece of artwork. The piece was originally commissioned as an artistic display in 1990 for the Le Metropolitan Café in Columbus, Ohio. It was recently acquired by the owner and occupants of 508 Huntington from Black Dog Salvage. It consists of four sections which are bolted together and is not affixed to the ground, building, or structure. It can be taken apart and moved as needed. It does not have a roof, it is not meant to be occupied by persons or property, and it is not used for anything. It is a piece of art.

For these reasons, the Construction Code does not apply, and the display of the Eiffel Tower art piece in the yard of 508 Huntington is not an activity for which a building permit was required.

We respectfully request that the citation be vacated.

Respectfully submitted,

DARRYL THOMPSON

By: 

Counsel

John P. Fishwick, Jr. (VSB #23285)
Monica L. Mroz (VSB #65766)
LichtensteinFishwick PLC
101 S. Jefferson St., Suite 400
P.O. Box 601
Roanoke, VA 24004-0601
(540) 345-5890 (Telephone)
(540) 345-5789 (Facsimile)
ipf@vatrials.com
monica@vatrials.com



ROANOKE

Planning Building & Development
Code Enforcement Division
Noel C. Taylor Municipal Building
215 Church Ave SW, Room 312
Roanoke, Virginia 24011

August 19, 2015

CERP150871

ATKINS MICHAEL C
508 HUNTINGTON BLVD
ROANOKE VA 24012

Dear Property Owner(s):

Subject: 508 HUNTINGTON BV NE
Tax Map #: 3181012

NOTICE of VIOLATION

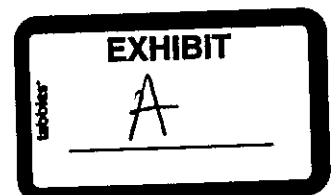
This office has inspected your property located at the address referenced above and found it to have violations of Section 108, Application for Permit, of the Virginia Uniform Statewide Building Code.

NOTICE OF VIOLATION FAILURE TO OBTAIN PERMIT

By 09/21/2015, you must obtain permit and complete all required inspections for the tower structure or remove the tower structure.

Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any work. A permit may be requested in the Permit Center, Room 170, of the Noel C. Taylor Municipal Building, 215 Church Ave SW.

Failure to correct violations of the Virginia Uniform Statewide Building Code is a criminal misdemeanor with a fine of up to \$2,500.00. Failure to comply promptly with this order may result in legal action against you.

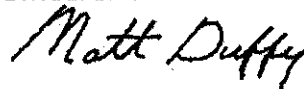


ACCEPTANCE; RIGHT OF APPEAL

A form is attached for you to fill out and return to this office to inform us of your intentions. Anyone aggrieved by this notice or the refusal to grant a modification, under Section 119 of the Virginia Construction Code may appeal this order to the city's Local Board of Building Code Appeals. A written request for such an appeal, containing a statement of the grounds for your appeal and any requested modification of the terms of this order, must be filed with this office within thirty (30) days of the date of first receipt of this order. This office has forms available for you to use in filing an appeal, which requires a processing fee of \$75.

Thank you in advance for your diligence in promptly correcting these violations. If you have any questions about this matter, please feel free to contact this office at (540) 853-2344 between 8:00 AM and 5:00 PM Monday through Friday.

Sincerely,

A handwritten signature in black ink that reads "Matt Duffy". The signature is written in a cursive, slightly slanted style.

Matt Duffy
Codes Compliance Inspector



508 Huntington Blvd NE
August 19, 2015
CERP150871

MTD/BKS
Codes Compliance Inspector
(540)853-2344

